

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 03, 2016

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BOBBY RAY ZAPIEN,

Petitioner,

v.

MICHAEL OBENLAND,

Respondent.

No. 1:15-CV-3159-SMJ

**AMENDED ORDER ADOPTING
REPORT AND
RECOMMENDATION**

Before the Court is Magistrate Judge Rodgers' March 24, 2016 Report and Recommendation, **ECF No. 18**, recommending that the Court deny Petitioner Bobby Ray Zapien's Petition for Writ of Habeas Corpus. Petitioner did not file objections within 14 days as required. Fed. R. Civ. P. 72.

After reviewing the Report and Recommendation and the relevant authorities, the Court finds the Magistrate Judge's findings are correct. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation, **ECF No. 18**, is **ADOPTED** in its entirety.


1 **2.** The Petition for Writ of Habeas Corpus, **ECF No. 1**, is **DENIED** as
2 to Petitioner's 2010 Yakima County conviction for first-degree
3 murder.

4 **3.** The Respondent's Motion to Dismiss, **ECF No. 15**, is **GRANTED**.

5 **4.** Final judgment is entered in favor of Respondent. The Court further
6 certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this
7 decision could not be taken in good faith, and there is no basis upon
8 which to issue a certificate of appealability. 28 U.S.C. § 2253(c);
9 Fed. R. App. P. 22(b).

10 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
11 and provide copies to all counsel, the Petitioner, and Magistrate Judge Rodgers.

12 **DATED** this 3rd day of August 2016.

13 
14 SALVADOR MENDOZA, JR.
15 United States District Judge